

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 2:19-CR- 116
	:	
SEAN HEISA,	:	CHIEF JUDGE MARBLEY
Defendant.	:	

**DEFENSE MOTION FOR IN PERSON
SENTENCING HEARING**

Now comes the defendant, Sean Heisa through counsel, and requests to be present in court at his December 18, 2020 sentencing hearing or at any hearing thereafter which may occur in person.

Respectfully submitted,

DEBORAH L. WILLIAMS
FEDERAL PUBLIC DEFENDER

/s/ Stacey MacDonald
Stacey MacDonald (WA 35394)
Assistant Federal Public Defender
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Attorney for Defendant
Sean Heisa

MEMORANDUM IN SUPPORT OF MOTION

Sean Heisa is currently serving a thirty-eight-year sentence in State court for multiple counts of Robbery. Between 2017 and 2018, while incarcerated, Mr. Heisa wrote multiple letters threatening to injure individuals and mailed some of those letters to various government officials. He was interviewed by FBI agents in 2019 at prison, where he confessed to writing the letters.

On May 2, 2019, a federal grand jury returned an indictment charging Mr. Heisa with two counts of False Information and Hoaxes, in violation of 18 U.S.C. § 1038(a)(1) and 13 counts of Mailing Threatening Communications, in violation of 18 U.S.C. § 876 (c). On October 30, 2019, Mr. Heisa pleaded guilty to Counts 1, 4, 7 and 14 of the Indictment pursuant to a plea agreement. Each count carries a maximum sentence of five years for a total possible maximum sentence of twenty years. Should the Court order this maximum sentence consecutive, Mr. Heisa would be incarcerated for up to fifty years. Mr. Heisa is currently held in custody at the Pickaway County Jail. A sentencing hearing is scheduled for December 18, 2020.

On March 9, 2020 when Ohio Governor DeWine declared a state of emergency in response to the COVID-19 virus.¹ On March 13, 2020, the President of the United States declared a national state of emergency in response to the

¹ See <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/signs-emergency-order-regarding-coronavirus-response>.

COVID-19 outbreak². This global pandemic remains ongoing with Ohio in a third surge of COVID-19 positive test results. While Mr. Heisa appreciates the seriousness of this health emergency, he is facing a significant sentence in this case and would request the ability to stand before the Court in sentencing and provide his allocution in person.

In General Order 20-36(4), this Court ordered that:

“Other in-court proceedings scheduled between the date of this General Order and December 31, 2020, shall occur in person only upon a determination by the assigned judge that the interest of justice require that the proceedings be conducted in that manner. In exercising their discretion in setting such proceedings, judges will weigh heavily the need to reduce courthouse traffic in the interest of public health. To the extent that a judicial officer concludes that a given in-person proceeding must go forward, the proceeding shall take place in a courtroom that has been outfitted with plexiglass shielding.”

WHEREFORE, for the reasons set forth above, Defendant Sean Heisa respectfully requests to be present in Court for his sentencing hearing on December 18, 2020 or at such a time thereafter as this Court deems an in-person hearing may proceed forward.

Respectfully submitted,

DEBORAH L. WILLIAMS
FEDERAL PUBLIC DEFENDER

/s/ Stacey MacDonald
Stacey MacDonald (WA 35394)
Assistant Federal Public Defender
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² See <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I certify that AUSA Jessica Knight is registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Stacey MacDonald
Stacey MacDonald (WA 35394)
Assistant Federal Public Defender